

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14457 of Ludlow O. Bryan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7105.12) to construct a second story addition to a dwelling, a non-conforming structure, in an R-1-B District at premises 2609 Hamlin Street, N.E., (Square 4342, Lot 12).

HEARING DATE: July 16, 1986

DECISION DATE: July 16, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 2609 Hamlin Street, N.E., is located at the southwest corner of the intersection of Hamlin and 27th Streets. It is located in an R-1-B District.

2. The site is rectangular in shape with a frontage of 40 feet along Hamlin street and a depth of 125 feet.

3. The site is improved with a single family detached dwelling built prior to May 12, 1958 the effective date of the current Zoning Regulations. At that date, the structure became nonconforming.

4. The R-1-B District extends in all directions from the subject site. The area is developed with single family detached dwellings.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7105.12) to construct a second story addition to the existing structure.

6. A fire damaged a portion of the original structure. In July of 1983 a building permit was erroneously issued to permit the reconstruction of the house and the construction of second story addition to the front and rear.

7. A building inspector realized that the permits were issued in error three months after construction had begun. The permits were then revoked.

8. To the west, the original structure does not meet the current side yard set back requirements of eight feet.

9. The second story additions to the front and rear will not encroach further into the side yard than the existing first floor now does.

10. The additions do not increase the lot occupancy of the structure.

11. The addition to the front of the structure will enclose an existing porch. The addition to the rear will provide two additional bedrooms.

12. By letter dated July 3, 1986, Advisory Neighborhood Commission (ANC 5A) reported that it voted to support the application since the footprint of the structure would remain the same but two bedrooms would be added over the original porch.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The applicant is seeking a variance from section 3305.1 and paragraph 7105.12 of the Zoning Regulations which require that the side yard be a minimum of eight feet wide. The Board concludes that the applicant has met the burden of proof. The existing structure is a nonconforming structure which does not meet the current side yard setback requirements. The additions are on the second story of the existing structure and do not encroach any further into the side yard than the original structure did. The structure is four feet away from the west side lot line requiring a variance of four feet, or 50 percent. The addition to the front of the structure consists of enclosing an existing porch. The structure is 15 feet away from the east side lot line. The addition will not increase the lot occupancy of the structure. The Board notes that building permits were issued for the additions as proposed and construction was substantially completed before the permits were revoked. The Board further concludes that granting the proposed

relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board further concludes that it has afforded the ANC the "great weight" to which it is entitled.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 5-0 (Charles R. Norris, Williams F. McIntosh, Maybelle T. Bennett, Paula L. Jewell and Carrie L. Thornhill to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

AUG 15 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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